

Claims 1-24 are pending in the above-identified application and are subject to an election of species requirement under 35 USC 121.

More specifically, in the currently outstanding non-final Official Action, the Examiner has:

1. Identified the following allegedly distinct inventions among which the Applicant is required to elect for prosecution on the merits:

Group I, Claim(s) 1 – drawn to a sensor comprising a pair of electrodes on the surface of an electrically insulated substrate

Group II, Claim(s) 2-9 – drawn to a sensor comprising a recess

Group III,	Claim(s) 10-21 – drawn to a sensor comprising two fine recesses and first and second electrodes electrically connected to a film of electroconductive particles
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Group IV, Claim(s) 22-24 – drawn to an electric resistance type detecting method

2. Required the Applicant to elect one of the foregoing inventions under 35 USC 121 for further prosecution on the merits in this application.
3. Required Applicants to list all of the pending claims that are deemed to be readable on the elected invention;

In response to the currently outstanding election requirement, **Applicants hereby elect the invention of Group I, Claim 1, with traverse** for further prosecution in the merits in this application.

No change in the inventorship of this application arises as a result of the foregoing election.

With respect to the foregoing traversal of the Examiner's election of invention requirement, Applicants respectfully submit that the Examiner's outstanding requirement for restriction/election is not reasonable in the present circumstances and should be withdrawn.

In particular, Applicants respectfully submit that there is a technical relationship among the inventions of Claims 1-24 of the present application which involves a special technical feature. This special technical feature of the inventions of the present claims is that *a film of electroconductive fine particles modified with a probe is formed on and/or between electrodes provided on an electrically insulated substrate.*

It is Applicants' position that by having the foregoing special technical feature in common the inventions of the claims of this application create a situation wherein a target substance including nucleic acids and proteins can be electrically detected in a simple, accurate and inexpensive manner.

Accordingly, even though there are four independent claims directed to the sensor in the present application, i.e., Claims 1, 2, 10 and 11, the claimed sensors are common in the structure in which a film of electroconductive fine particles modified with a probe is formed on and/or between electrodes provided on an electrically insulated substrate, which structure is defined in Claim 1.

In Claim 2, a recess is provided between the electrodes as one of the embodiments of the sensor of Claim 1. Therefore, Claim 2 has the same above-mentioned special technical feature as Claim 1.

In Claim 11, the position of the electrodes is further defined in the context of the sensor of Claim 10. Therefore, Claim 11 also has the same special technical feature as Claim 1.

Furthermore, the inventions of Claims 22 to 24 are respectfully submitted to satisfy the relation prescribed in 37 CFR 1.475(b)(4) with the invention of Claim 1, i.e., the invention of Claim 1 is a product and the methods of Claims 22 to 24 constitute uses of that product.

Still further, Applicants note that the Examiner has pointed out on pages 3 and 4 of the currently outstanding Official Action that the inventions of Groups 1 to 4 are linked together to form a single general inventive concept by the special technical feature of an electrically insulative substrate, and that the latter concept is known in the art as shown for example by US Patent No. 4,864,462. Applicants respectfully submit, however, that as mentioned above the common special technical feature of the present invention is *that a film of electroconductive fine particles modified with a probe is formed on and/or between electrodes provided on an electrically insulative substrate.* In addition, Applicants respectfully submit that the latter special technical feature is not disclosed in US Patent No. 4,864,462.

Consequently, Applicants respectfully submit that the currently outstanding Restriction/Election Requirement is not justified on the present record, and respectfully request that the same be withdrawn in response to this submission.

Further, it is respectfully noted for the record that the currently outstanding Official Action did not note or acknowledge the Information Disclosure Statement filed by the Applicants in this application by providing the Applicants with signed, dated and initialed copy of the Form PTO/SB/08a/b submitted therewith in confirmation of the consideration of the art listed therein. Such action is respectfully requested.

In addition, it is also respectfully noted for the record that the currently outstanding Official Action did acknowledge Applicants' claim for foreign priority under 35 U.S.C. 119(a)-(d) or (f), and the receipt by the United States Patent and Trademark Office of the required copies of the Priority Documents. Such action is respectfully requested.

Finally, it is respectfully noted for the record that the currently outstanding Official Action did not acknowledge or accept the formal drawings filed concurrently with the above-identified application. Such action is respectfully requested.

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Applicants respectfully submit that this communication is fully responsive to the currently outstanding Official Action in the above-identified application.

Applicants also believe that additional fees beyond those submitted herewith are not required in connection with the consideration of this response to the currently outstanding Official Action. However, if for any reason a fee is required, a fee paid is inadequate or credit is owed for any excess fee paid, you are hereby authorized and requested to charge and/or credit Deposit Account No. **04-1105**, as necessary, for the correct payment of all fees which may be due in connection with the filing and consideration of this communication.

Respectfully submitted,

Date: August 28, 2009

  
SIGNATURE OF PRACTITIONER

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